

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WASHINGTON UNION HIGH SCHOOL
DISTRICT AND FRESNO COUNTY
OFFICE OF EDUCATION.

OAH Case No. 2016030074

ORDER GRANTING FRESNO
COUNTY OFFICE OF EDUCATION'S
MOTION TO DISMISS

On February 25, 2016, parent on behalf of Student¹ filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings, naming Washington Union High School District (District) and Fresno County Office of Education (Fresno). The complaint contains 12 issues, all of which are alleged solely against District.

On May 18 2016, Fresno filed a Motion to Dismiss Fresno as a party alleging that the complaint does not allege any issue against it.

OAH received no response to Fresno's Motion to Dismiss.

APPLICABLE LAW

Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56501, subd. (a).) A "public agency" is defined as "a school district, county office of education, special education local plan area, . . . or any other public agency . . . providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.)

¹ Student is over twenty-one, but he has given a power of attorney to his parent to act on his behalf in this matter.

DISCUSSION

In his complaint, Student alleges 12 issues. In all 12 issues, the allegations are made only against District. There are no allegations made against Fresno. Therefore, Fresno is entitled to be dismissed as a party.

ORDER

Fresno County Office of Education's Motion to Dismiss is granted. Fresno County Office of Education is dismissed as a party in the above-entitled matter. The matter will proceed as scheduled against Washington Union High School District.

IT IS SO ORDERED.

DATE: May 25, 2016

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings